

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

TEAM SYSTEMS INTERNATIONAL,)
LLC,)
)
Appellant,)
)
v.) Case No.: 2023-1556
)
)
SECRETARY OF THE DEPARTMENT)
OF HOMELAND SECURITY,)
)
Appellee.)

**MEMBERS OF TEAM SYSTEMS INTERNATIONAL, LLC'S
CORRECTED OPPOSED MOTION FOR LEAVE TO FILE OUT OF TIME
MOTION TO INTERVENE**

FORM 9. Certificate of Interest

Form 9 (p. 1)
March 2023

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF INTEREST

Case Number 2023-1556

Short Case Caption Team Systems International, LLC v. Secretary of the Department of Homeland Security

Filing Party/Entity Deborah Evans Mott; Steven M. Acosta; Christopher Mott; John S. Maciorowski

Instructions:

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 06/06/2024

Signature: /s/ Randy M. Mott

Name: Randy M. Mott

FORM 9. Certificate of Interest

Form 9 (p. 2)
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1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
Deborah Evans Mott		
Steven M. Acosta		
Christopher Mott		
John S. Maciorowski		

Additional pages attached

FORM 9. Certificate of Interest

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4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

None/Not Applicable Additional pages attached

Randy M. Mott	Law Office of Randy M. Mott	

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

Yes (file separate notice; see below) No N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

None/Not Applicable Additional pages attached

In accordance with Federal Circuit Rule 26(b) and Fed. R. App. P. 15(d), Movants Deborah Evans Mott, Steven M. Acosta, Christopher Mott, and John S. Maciorowski respectfully seek leave of Court to file the accompanying motion for leave to intervene out of time, and in support state as follows:

1. Movants are the equity owners of Appellant Team Systems International, LLC. The LLC is now managed by a Chapter 7 trustee who is in control because of the delay in paying the claim subject to this appeal. Movants will be surplus creditors in the end and have a unique interest in obtaining the full value of the claim being appealed.

2. Movants acknowledge that this motion comes after the deadline specified in Rule 15(d) of the Federal Rules of Appellate Procedure. Movants have good cause for seeking to intervene in this appeal. Movants have only learned recently from information in discovery in the bankruptcy case that their interest may not be protected by the Trustee.

3. Movants' participation will not delay the proceedings or prejudice any party. The motion's late filing will not prejudice any party or the Court's scheduling. *Roane v. Leonhart*, 741 F.3d 147 (D.C. Cir. 2014). Lack of prejudice is perhaps the most important relevant factor. *Am. Small Bus. League v. United States DOD*, 2019 U.S. Dist. LEXIS 105389 (N.D. Cal. 2019), *citing Donnelly v. Glickman*, 159 F.3d 405, 412 (9th Cir. 1998).

4. Counsel for the Movants contacted counsel for Appellant and Appellee. Appellant TSI opposes the intervention. Appellee opposes the intervention and intends to file a response in opposition.

For these reasons, Movants believe that good cause exists for filing the motion for leave to intervene beyond the deadline specified in Fed. R. App. P. 15(d). If the Court permits the Movants' intervention, Movants will accept the brief of the Appellant as stating the issues and seek to file no additional brief. If an opportunity to participate in the oral argument is available without reducing the Appellant's time, Movants would seek that opportunity.

Dated: June 6, 2024

Respectfully submitted,

/s/ Randy M. Mott
Randy M. Mott
LAW OFFICE OF RANDY M. MOTT
1629 K Street NW, Suite 300
Washington, DC 20006
T: (202) 470-0106/703-258-4097
randymott@rmottlaw.com

*Counsel for Proposed Intervenors
Deborah Evans Mott, Steven M.
Acosta, Christopher Mott, and John
S. Maciorowski*

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2)(A) because it contains 338 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced, 14-point Times New Roman font using Microsoft Word.

Dated: June 6, 2024

/s/ Randy M. Mott
Randy M. Mott

*Counsel for Proposed Intervenors
Deborah Evans Mott, Steven M.
Acosta, Christopher Mott, and John S.
Maciorowski*

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2024, the foregoing was filed with the Clerk of the United States Court of Appeals for the Federal Circuit using the appellate CM/ECF system, which will send a notification of electronic filing to all counsel of record who are registered CM/ECF users.

Dated: June 6, 2024

/s/ Randy M. Mott
Randy M. Mott

*Counsel for Proposed Intervenors
Deborah Evans Mott, Steven M.
Acosta, Christopher Mott, and John S.
Maciorowski*